

21 C.J.S. Courts § 48

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

D. Jurisdiction of Person

2. Due Process Requirement of Minimum Contacts for Personal Jurisdiction

§ 48. Factors for minimum contacts with forum for due process and personal jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  [11](#), [13.2](#) to [13.5\(14\)](#)

Factors considered in determining whether personal jurisdiction may be exercised include the burden on the defendant, the forum state's interest in adjudicating disputes, the plaintiff's interest in obtaining convenient and effective relief, the interstate judicial system's interest in obtaining the most efficient resolution of controversies, and the shared interest of the several states in furthering fundamental, substantive, social policies.

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Even if the defendant has purposefully engaged in forum activities jurisdiction may sometimes be improper,³ but a nonresident defendant who has purposefully directed activities at forum residents must present a compelling case that personal jurisdiction would be unreasonable,⁴ or that the contacts with the forum were so insignificant that the exercise of in personam jurisdiction would offend the traditional notions of substantial justice and fair play.⁵ A court's exercise of personal jurisdiction over a nonresident defendant is unreasonable if it makes litigation so gravely difficult and inconvenient that a party unfairly is at a severe disadvantage in comparison to an opponent.⁶

The quality, and not merely the quantity,⁷ of the contacts is important.⁸ A single act may sometimes provide a basis for jurisdiction,⁹ and a single basis for conferring jurisdiction may be sufficient.¹⁰ Contacts that are random, fortuitous, occurring by chance,¹¹ and attenuated are not sufficient.¹² The defendant must seek some benefit, advantage, or profit by availing itself of the forum jurisdiction in order for court to exercise jurisdiction over the defendant.¹³

Factors traditionally associated with the doctrine of forum non conveniens¹⁴ are relevant but not controlling in determining the existence of personal jurisdiction.¹⁵ In light of modern transportation and communication, distance alone is ordinarily insufficient to defeat jurisdiction,¹⁶ but while e-mail,¹⁷ faxes,¹⁸ mail,¹⁹ and telephone communications sent by a defendant into a forum may count toward the minimum contacts, they do not, alone, provide the necessary contacts.²⁰ The nature of the communications is decisive, not the medium.²¹ Telephonic, electronic, or written communications into a state may form the basis for personal jurisdiction if the alleged cause of action arises from those communications.²²

The test of contacts for personal jurisdiction is distinct from a choice-of-law analysis, and while the latter may consider the plaintiff's relevant contacts with the forum, personal jurisdiction considers only the contacts of the defendant.²³ That a state's law can properly be applied to a dispute does not mean that the state's courts may exercise personal jurisdiction over the parties²⁴ even if the state is the center of gravity of the controversy.²⁵

A defendant need not physically enter the state in order to be subject to jurisdiction,²⁶ and the defendant's contacts need not be physical,²⁷ but physical entry, either by the defendant personally or through an agent, goods, mail, or some other means, is a relevant contact.²⁸

CUMULATIVE SUPPLEMENT

Cases:

The primary focus of the personal jurisdiction inquiry is the defendant's relationship to the forum state. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

The primary concern in determining whether personal jurisdiction is present is the burden on the defendant, the assessment of which requires a court to consider the practical problems resulting from litigating in the forum, and also encompasses the more abstract matter of submitting to the coercive power of a state that may have little legitimate interest in the claims in question. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

Even if a defendant would suffer minimal or no inconvenience from being forced to litigate before the tribunals of another state, even if the forum state has a strong interest in applying its law to the controversy, and even if the forum state is the most convenient location for litigation, the Fourteenth Amendment's due process clause, acting as an instrument of interstate federalism, may sometimes act to divest a state of its power to render a valid judgment. [U.S.C.A. Const. Amend. 14](#). [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

Activities of defendants, a Massachusetts attorney and law firm, relative to client's New York workers' compensation case were insufficient to constitute a transaction of business within New York, and thus trial court lacked personal jurisdiction over defendants under long-arm statute in action brought by New York attorney, who initially represented client, seeking compensation following defendants' settlement of the case; defendants' communications with client's employer's workers' compensation carrier were merely inquiries into honoring client's workers' compensation lien, when amount presented to satisfy client's lien was agreeable, defendants did not take further action, and settlement agreement was signed by client and law firm that represented him in the workers' compensation case. [N.Y. CPLR § 302\(a\)\(1\)](#). [Gottlieb v. Merrigan, 170 A.D.3d 1316, 94 N.Y.S.3d 732 \(3d Dep't 2019\)](#).

Substantial connection existed between Illinois attorney's Texas contacts and operative facts of client's third-party claims against attorney for negligence, breach of fiduciary duty, negligent misrepresentation, and fraud related to attorney's supervision of Texas local counsel in underlying litigation, thus supporting exercise of personal jurisdiction consistent with due process over attorney in local counsel's action against client seeking unpaid fees; attorney was admitted to practice in Texas, attorney's role in underlying litigation was substantial and beneficial, and

attorney recruited local counsel, negotiated the rate local counsel would charge, and routinely communicated with local counsel. *U.S. Const. Amend. 14. Nawracaj v. Genesys Software Systems, Inc.*, 524 S.W.3d 746 (Tex. App. Houston 14th Dist. 2017).

[END OF SUPPLEMENT]

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Footnotes

- 1 U.S.—*Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 105 S. Ct. 2174, 85 L. Ed. 2d 528 (1985); *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 100 S. Ct. 559, 62 L. Ed. 2d 490 (1980).

Ala.—*Ex parte American Timber & Steel Co., Inc.*, 102 So. 3d 347 (Ala. 2011).

Ark.—*Beason v. Parks*, 2015 Ark. App. 246, 459 S.W.3d 841 (2015).

Miss.—*Joshua Properties, LLC v. D1 Sports Holdings, LLC*, 130 So. 3d 1089 (Miss. 2014).

N.Y.—*New Hampshire Bank Commissioner for Noble Trust Company v. Sweeney*, 167 N.H. 27, 104 A.3d 171 (2014).

N.C.—*GECMC 2006-C1 Carrington Oaks, LLC v. Weiss*, 757 S.E.2d 677 (N.C. Ct. App. 2014).

Or.—*Munson v. Valley Energy Inv. Fund, U.S., LP*, 264 Or. App. 679, 333 P.3d 1102 (2014).

Tex.—*TV Azteca v. Ruiz*, 44 Media L. Rep. (BNA) 1443, 2016 WL 766927 (Tex. 2016).
- 2 U.S.—*Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 105 S. Ct. 2174, 85 L. Ed. 2d 528 (1985).

N.Y.—*New Hampshire Bank Commissioner for Noble Trust Company v. Sweeney*, 167 N.H. 27, 104 A.3d 171 (2014).
- 3 U.S.—*Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 105 S. Ct. 2174, 85 L. Ed. 2d 528 (1985).
- 4 Mo.—*Casework, Inc. v. Hardwood Associates, Inc.*, 466 S.W.3d 622 (Mo. Ct. App. W.D. 2015), as modified, (June 2, 2015) and reh'g and/or transfer denied, (June 2, 2015) and transfer denied, (Aug. 18, 2015).

Tex.—*TV Azteca v. Ruiz*, 44 Media L. Rep. (BNA) 1443, 2016 WL 766927 (Tex. 2016).

Vt.—*State v. Atlantic Richfield Co.*, 2016 VT 22, 2016 WL 556174 (Vt. 2016).
- 5 Okla.—*Mastercraft Floor Covering, Inc. v. Charlotte Flooring, Inc.*, 2013 OK 87, 313 P.3d 911 (Okla. 2013).
- 6 Mo.—*Andra v. Left Gate Property Holding, Inc.*, 453 S.W.3d 216 (Mo. 2015).

Miss.—*Baker & McKenzie, LLP v. Evans*, 123 So. 3d 387 (Miss. 2013).
- 7 N.Y.—*Paterno v. Laser Spine Institute*, 24 N.Y.3d 370, 998 N.Y.S.2d 720, 23 N.E.3d 988 (2014).

Tex.—*Motor Car Classics, LLC v. Abbott*, 316 S.W.3d 223 (Tex. App. Texarkana 2010).
- 8 N.Y.—*Licci v. Lebanese Canadian Bank*, 20 N.Y.3d 327, 960 N.Y.S.2d 695, 984 N.E.2d 893 (2012).

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- 9 Tenn.—Gordon v. Greenview Hosp., Inc., 300 S.W.3d 635 (Tenn. 2009).
R.I.—Goetz v. LUVRAJ, LLC, 986 A.2d 1012 (R.I. 2010).
U.S.—Burger King Corp. v. Rudzewicz, 471 U.S. 462, 105 S. Ct. 2174, 85 L. Ed. 2d 528 (1985).
Ind.—Boyer v. Smith, 42 N.E.3d 505 (Ind. 2015).
Miss.—Joshua Properties, LLC v. D1 Sports Holdings, LLC, 130 So. 3d 1089 (Miss. 2014).
Okla.—Burggraf Services, Inc. v. H2O Solutions, 2014 OK CIV APP 88, 369 P.3d 52 (Div. 3 2014).
Single business meeting
N.Y.—Wilson v. Dantas, 128 A.D.3d 176, 9 N.Y.S.3d 187 (1st Dep't 2015).
- 10 Tex.—Citrin Holdings, LLC v. Minnis, 305 S.W.3d 269 (Tex. App. Houston 14th Dist. 2009).
- 11 Ala.—Ex parte Merches, 151 So. 3d 1075 (Ala. 2014).
Miss.—Baker & McKenzie, LLP v. Evans, 123 So. 3d 387 (Miss. 2013).
S.D.—Kustom Cycles, Inc. v. Bowyer, 2014 SD 87, 857 N.W.2d 401 (S.D. 2014).
Tex.—Brenham Oil & Gas, Inc. v. TGS-NOPEC Geophysical Company, 472 S.W.3d 744 (Tex. App. Houston 1st Dist. 2015).
- 12 Ala.—Ex parte Merches, 151 So. 3d 1075 (Ala. 2014).
Pa.—N.T. ex rel. K.R.T. v. F.F., 2015 PA Super 139, 118 A.3d 1130 (2015).
S.D.—Kustom Cycles, Inc. v. Bowyer, 2014 SD 87, 857 N.W.2d 401 (S.D. 2014).
Tex.—Stelly v. Tarr, 344 S.W.3d 26 (Tex. App. Texarkana 2011).
- 13 Tex.—Brenham Oil & Gas, Inc. v. TGS-NOPEC Geophysical Company, 472 S.W.3d 744 (Tex. App. Houston 1st Dist. 2015).
- 14 §§ 82 to 87.
- 15 U.S.—Hanson v. Denckla, 357 U.S. 235, 78 S. Ct. 1228, 2 L. Ed. 2d 1283 (1958).
Convenience is neutral factor
Minn.—Butler v. JLA Indus. Equipment, Inc., 845 N.W.2d 834 (Minn. Ct. App. 2014).
- 16 Tex.—Griffith v. Griffith, 341 S.W.3d 43 (Tex. App. San Antonio 2011).
- 17 Fla.—Swanky Apps, LLC v. Rooney Invest & Finance, S.A., 126 So. 3d 336 (Fla. 3d DCA 2013).
Ind.—Wolf's Marine, Inc. v. Brar, 3 N.E.3d 12 (Ind. Ct. App. 2014).
As to Internet activity and e-mail as a basis for personal jurisdiction, generally, see § 53.
- 18 U.S.—Fastpath, Inc. v. Arbela Technologies Corp., 760 F.3d 816 (8th Cir. 2014).
- 19 U.S.—Walden v. Fiore, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014); Fastpath, Inc. v. Arbela Technologies Corp., 760 F.3d 816 (8th Cir. 2014).
Ind.—Wolf's Marine, Inc. v. Brar, 3 N.E.3d 12 (Ind. Ct. App. 2014).

- 20 Neb.—RFD-TV, LLC v. WildOpenWest Finance, LLC, 288 Neb. 318, 849 N.W.2d 107 (2014).
- Fla.—Swanky Apps, LLC v. Rooney Invest & Finance, S.A., 126 So. 3d 336 (Fla. 3d DCA 2013).
- Neb.—RFD-TV, LLC v. WildOpenWest Finance, LLC, 288 Neb. 318, 849 N.W.2d 107 (2014).
- 21 Mo.—Casework, Inc. v. Hardwood Associates, Inc., 466 S.W.3d 622 (Mo. Ct. App. W.D. 2015), as modified, (June 2, 2015) and reh'g and/or transfer denied, (June 2, 2015) and transfer denied, (Aug. 18, 2015).
- 22 Fla.—Blumberg v. Steve Weiss & Co., Inc., 922 So. 2d 361 (Fla. 3d DCA 2006).
- 23 S.D.—Kustom Cycles, Inc. v. Bowyer, 2014 SD 87, 857 N.W.2d 401 (S.D. 2014).
- 24 S.D.—Kustom Cycles, Inc. v. Bowyer, 2014 SD 87, 857 N.W.2d 401 (S.D. 2014).
- 25 U.S.—Kulko v. Superior Court of California In and For City and County of San Francisco, 436 U.S. 84, 98 S. Ct. 1690, 56 L. Ed. 2d 132 (1978).
- S.D.—Kustom Cycles, Inc. v. Bowyer, 2014 SD 87, 857 N.W.2d 401 (S.D. 2014).
- 26 U.S.—Walden v. Fiore, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014); Burger King Corp. v. Rudzewicz, 471 U.S. 462, 105 S. Ct. 2174, 85 L. Ed. 2d 528 (1985).
- Ala.—Branded Trailer Sales, Inc. v. Universal Truckload Services, Inc., 74 So. 3d 404 (Ala. 2011).
- Mo.—Casework, Inc. v. Hardwood Associates, Inc., 466 S.W.3d 622 (Mo. Ct. App. W.D. 2015), as modified, (June 2, 2015) and reh'g and/or transfer denied, (June 2, 2015) and transfer denied, (Aug. 18, 2015).
- 27 N.Y.—C. Mahendra (N.Y.), LLC v. National Gold & Diamond Center, Inc., 125 A.D.3d 454, 3 N.Y.S.3d 27, 85 U.C.C. Rep. Serv. 2d 822 (1st Dep't 2015).
- Tenn.—Gordon v. Greenview Hosp., Inc., 300 S.W.3d 635 (Tenn. 2009).
- Tex.—Leonard v. Salinas Concrete, LP, 470 S.W.3d 178 (Tex. App. Dallas 2015).
- 28 U.S.—Walden v. Fiore, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014).